



STATE REPRESENTATIVE
CHRIS DANOU

WISCONSIN STATE ASSEMBLY

91ST DISTRICT

Testimony by Representative Chris Danou before the Assembly Committee on Criminal Justice

August 20, 2009

Good Morning Mr. Chair and members of the Committee. I am here to testify in favor of AB 269 The Police Officer Protection Act.

The idea for this bill first occurred to me several years ago. At that time, I was employed as a police Officer in the City of Onalaska, WI. A colleague of mine, who you will hear from later, was seriously injured as he attempted to arrest a suspect. The injuries were serious and I expected that the suspect would face serious consequences and be charged with battery to a Police officer. Instead I discovered that because of the way the law is written, in order to be charged/convicted the prosecution must demonstrate that the injury to the officer was caused "intentionally".

The purpose of this bill is to eliminate this loophole. Currently in Wisconsin if an individual "intentionally" batters a police officer that individual is charged with a felony. If an individual injures an officer while resisting or fleeing, the individual can only be charged with a misdemeanor. The sad irony is that in many cases the injuries received by officers while suspects are resisting or fleeing can be just as serious or more so than an "intentional" battery.

This bill makes it a class H felony to those whose actions result in injury to a Police Officer while resisting or fleeing. It holds individuals responsible for their actions. An individual makes a conscious choice to resist arrest and/or flee. There are consequences for this choice. In many cases it results in serious injuries to the dedicated men and women of law enforcement. You will hear from Officers from across the state of Wisconsin who have been seriously injured in the line of duty by suspects who make the choice to resist or flee instead of complying with an officer's lawful instructions. Many Officers have had their careers cut short, the quality of their lives decreased, face permanent disability, and stress put on their families as a result of their injuries.

Law enforcement is by its nature a dangerous profession and officers recognize the inherent risks that are faced when you attempt to calm a situation down, or arrest a suspect. The recent assault on the Mayor of Milwaukee as he attempted to intervene in a domestic dispute demonstrates just how dangerous these situations can be and are faced multiple times each and every day by the men and women of law enforcement.

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One of the frustrations I felt while working in law enforcement was the difficulty in conveying to the general public and even my own family, were just how serious the threat of death and injury is to a police officer. We ask the police to run towards the sound of gunfire, to run into a burning building, to confront the intoxicated 350 pound suspect who just trashed a bar or to go into a home where a volatile domestic disturbance just occurred. What we owe them in return is an expectation that the criminal justice system will at least offer them some level of protection and reasonable consequences for those whose actions result in injury to those Officers.

Do I think this bill will put an end to individuals fleeing from or resisting the police, no of course not. Will it help to reduce the number of incidents; I believe it will some deterrent effect. It also send the message that in a civilized society we expect the citizens to comply with the lawful orders given by officers, because in the end it keeps all of us safer.

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Robert Turner

STATE REPRESENTATIVE
TO THE 61ST ASSEMBLY DISTRICT

To: MEMBERS OF THE ASSEMBLY CRIMINAL JUSTICE COMMITTEE

From: Rep. Robert Turner, Chair

Date: August 20, 2009

Re: Additional Testimony on Assembly Bill 269

Attached is testimony from Dane County Deputy Sheriff Randy Wiessinger in support of Assembly Bill 269. Mr. Wiessinger was the partner of Dane County Deputy Dale Veto, who testified at today's public hearing. He asked that I provide this information to the Committee members.

Attachment





STATE REPRESENTATIVE
CHRIS DANOU

WISCONSIN STATE ASSEMBLY

91ST DISTRICT

LRB 1560/2

Date: August 18, 2009

To: Rep. Chris Danou and attendees of scheduled hearing on August 20th, 2009

From: Randy Wiessinger

Ref: LRB 1560/2 Hearing

In support of the proposed bill (LRB 1560/2), I would like to offer the following thoughts for consideration. My apologies for not being able to attend the hearing in person, however I am currently at the Governor's Conference on Highway Safety.

Let me start by introducing myself; I am a deputy sheriff for the Dane County Sheriff's Office, and have been since 1989. My law enforcement career started in 1986, having started in corrections before being hired by the Sheriff's Office. My career has provided me with experience in a variety of capacities in the law enforcement field, with the last four years being assigned to the Traffic Enforcement Team.

Like all law enforcement officers, when I started my career I accepted the reality that this job involves a great deal of potential danger. I know that at any given point of any given shift, I could be seriously injured or killed in the line of duty. But, like my colleagues, I am willing to accept that reality because I believe in the free society in which we live, and know that our daily freedom, peace and security comes with a price – and I am willing to pay that price. I have served and will continue to serve my community with the highest honor, integrity, and dedication possible.

What I don't believe in however is that being hurt or killed in the line of duty should be considered "just part of the job". Under current law, with the question of intent to harm always an issue in how an offender is charged and sentenced, law enforcement officers are very much expected to just accept being hurt as "just part of the job".

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Offenders that choose to act in a way that causes us harm or death, regardless if that is what they intended, should be held accountable for those decisions and actions to the highest degree.

Perhaps at this point I have painted a contradictory message. I say we accept the risk of our profession for the greater good, but then I say getting hurt shouldn't be looked at as just part of the job. Let me describe two situations that I have been involved in that perhaps will clear the intended message.

Working the midnight shift several years ago, I responded to a call of an apartment building filled with smoke. As the first deputy to arrive on the scene, it was quickly apparent that not everyone had evacuated the building. As I helped notify people to evacuate, I also located the apartment that was the source of the smoke and subsequent fire. The door was locked. I kicked in the door and found a male subject passed out on the couch of this smoke filled apartment that had a kitchen fire. I carried the subject outside while the fire department entered and extinguished the fire. While I received a life saving award from this incident, I look at it as a classic example of how we law enforcement officers accept risk to ourselves in order to preserve peace, property and life of others. If I would've been injured or killed in that fire, it would have been an acceptable risk.

Now let me describe my part in a more recent incident, one that has forever been burned into my memory and soul. On March 28th, 2008, I was pursuing a stolen vehicle. The suspect driver, later learned to be a 15 yr old young man, had stolen the vehicle from a group home. He had already fled from a Madison Police officer who had stopped the vehicle. I located the vehicle and attempted to stop the suspect, however he again decided (key word there is "he") to flee and refuse to stop. Deputy Veto, a good friend and partner of mine, was in position to deploy what we refer to as "spike strips", a device that is intended to flatten the tires of a suspect vehicle in a pursuit. The spike strips are used primarily to stop the pursuit as quickly and safely as possible, to prevent injury to the suspect, innocent people, as well as law enforcement. While there is risk to an officer deploying the spike strips because they are on the side of a road, the risk to everyone is much greater if the pursuit is allowed to continue – or stopped in a more aggressive manner.

With all the requirements of a successful deployment of spike strips falling into place in a matter of seconds, Deputy Veto deployed the spike strips across the road in front of

the suspect vehicle. The suspect had options, which included stopping, going over the spike strips, or even going around the spike strips to the right. As this was all happening very fast (65+mph), it was all and is all still in slow motion for me. The suspect driver, clearly turned his vehicle towards Deputy Veto, and then turned even a little more in what to me was 100% clearly intent on running Deputy Veto over. And the suspect was successful, hitting Deputy Veto at over 65mph, sending him flying into the air like a rag doll. The suspect made another choice, and that was to continue fleeing from the horrific scene he had just created.

As I watched this horror in front of me, I was positive that as I slid my squad to a stop, I had just witnessed my partner and good friend be run down and killed right in front of me. To my amazement, even to this day, Dale was alive and conscious, but seriously injured. What followed is nothing short of pure hell, for Dale and his family. And just as he was prior to this incident, Dale remains dedicated to his wife and daughter, and to the job he loves as a deputy sheriff. He has worked tirelessly to rebuild his body so that some day he can go back on duty, serving the citizens of Dane County.

Now, while the appropriate charging and sentencing of the suspect in this incident would not have changed any of the injuries, surgeries, infections, long recovery, therapy, and pain that followed, it most certainly would have had an impact on the emotional and mental anguish of dealing with the consequences of one ill intended individual. The great bodily harm this suspect caused is not "just part of the job".

I completely respect the job that a district attorney and judge must do as well, but I will never understand how in this case intent was not able to be proven. Even more frustrating is why intent even needed to be proven! Did the suspect not intend to flee? Did the suspect not disregard human safety of everyone around him while fleeing, including law enforcement? If the suspect would have veered the other direction and ran over an innocent civilian, would the outcome of the charges have been the same? I don't need to answer those questions, because the answers are obvious. And even more obvious is that when a law enforcement officer is injured by the actions, direct or indirect, of a person fleeing or otherwise resisting, they should be held accountable regardless of intent, and charged with a felony.

In closing, I will repeat where I started. I, and I am confident all law enforcement officers, willingly sacrifice our safety for the communities we serve. While we accept

the risk involved in our jobs, we simply ask that through support of this bill you recognize the consequences we face at the hands of others.

Thank you for your time, and for your consideration of this proposed bill.

Submitted in writing to the Office of Rep. Chris Danou,

Randy Wiessinger